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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/726,962	11/30/2000	Eshwar Pittampalli	14-1	1700

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EXAMINER

NGUYEN, SIMON

ART UNIT PAPER NUMBER

2685

DATE MAILED: 06/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/726,962

Applicant(s)

PITTAMPALLI ET AL.

Examiner

SIMON D NGUYEN

Art Unit

2685

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 November 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 1-4, 6-9, 11-12 are rejected under 35 U.S.C. 102(a) as being anticipated by Padovani et al. (6,151,502).

Regarding claim 1, Padovani discloses a handoff call (for recovery call) between a mobile station (wireless unit) and a mobile communication system (wireless communication system) (fig.2, column 2 lines 4-5), comprising the steps of: determining independently a revised active set (the claimed second set of base stations) by the mobile station after a communication link between the mobile station and an active set (the claimed first set of serving base stations) is severed (e.g., a signal strength falling below a predetermined threshold) (fig.6, column 3 line 59 to column 4 line 25, column 8 line 31 to column 9 line 5). It should be noted that the mobile station determines the revised active set of the base stations based on the pilot signal strength of the base stations without helping from the network which means the mobile station determines independently; and changing from the active set to a revised active set in attempting to service the handoff (column 4 lines 17-25).

Regarding claim 2, Padovani further discloses a Pilot Strength Measurement Message to identify a candidate set and the active set which is known to both the mobile station and the mobile communication system before the communication link is severed (column 8 lines 31-67).

Regarding claim 3, Padovani further discloses the step of using a candidate set (list) identified with a previous pilot strength measurement message known to have been successfully reported to the mobile communication system (column 3 lines 23-26, 59-67, column 4 lines 1-2, column 6 lines 30-54).

Regarding claim 4, Padovani discloses the step of changing further comprises designating base stations in the candidate set as active (column 3 lines 62-64, column 8 line 67 to column 9 line 1).

Regarding claim 6, this claim is rejected for the same reason as set forth in claim 1, wherein the method of determining the revised active set and replacing the active set with the revised active set are performed by the base station controller (mobile communication system) in attempting to set up the communications with a mobile station (fig. 5, column 3 lines 31-58, column 7 line 64 to column 8 line 22).

Regarding claim 7, this claim is rejected for the same reason as set forth in claim 2.

Regarding claim 8, this claim is rejected for the same reason as set forth in claim 3.

Regarding claim 9, this claim is rejected for the same reason as set forth in claim 4.

Regarding claim 11, this claim is rejected for the same reason as set forth in claim 1, wherein Padovani discloses a mobile station having a control processor (the claimed processing circuit)(62 of fig.3) for performing the steps in claim 1.

Regarding claim 12, this claim is rejected for the same reason as set forth in claim 6, wherein Padovani discloses a base station controller having a control processor (the claimed processing circuit) (20 of fig.4) for performing the steps in claim 6.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Padovani et al. (6,151,502) in view of Tiedemann, Jr. et al. (6,216,004).

Regarding claim 5, Padovani discloses the network allocates channels for performing communication between the mobile station and the base stations in the revised active list (column 8 lines 7-17). However, Padovani does not specifically disclose the mobile station receives a channel assignment message over a control channel from a candidate base station.

Tiedemann, Jr., in the same field of invention, discloses a method for handoff a call in a mobile communication system (fig.2) in which a BSC causes base stations participated in handoff (designated candidate base stations) transmit a channel

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assignment message wherein the channel assignment message is transmitted to a mobile station over a forward control channel (column 16 lines 11-20, 55-58).

Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify Padovani with the channel assignment message as taught by Tiedemann, Jr. to direct a mobile station for handoff in order to prevent a disrupted call.

Regarding claim 10, this claim is rejected for the same reason as set forth in claim 5.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Simon Nguyen whose telephone number is (703) 308-1116. The examiner can normally be reached on Monday-Friday from 7:00 AM to 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward F. Urban, can be reached on (703) 305-4385.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 306-0377.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Or faxed to:

(703) 872-9314, (for formal communications intended for entry)

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Hand-delivered response should be brought to Crystal Park II,
2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Simon Nguyen

June 12, 2003

A handwritten signature in black ink that reads "Simon Nguyen". The signature is written in a cursive style with a large, looping "S" and a stylized "N".